

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:)	Case No. 16-03686-5-SWH
)	
KING DAN RIVES)	Chapter 13
MARYDEL HART RIVES)	
Debtors.)	
_____)	

RESPONSE TO TRUSTEE'S MOTION TO DISMISS

NOW COME the Debtors, by and through their undersigned attorney, and respond in opposition to the Trustee's motion to dismiss and objection to confirmation. By way of further response, the Debtors show as follows:

1. The Debtors have filed on October 29, 2016 an objection to the claim of Anderson Financial Services, LLC.
2. Resolution of the claim objection should render the Debtors' Amended Plan of October 27, 2016 adequately funded to service the allowed claims.

WHEREFORE, the Debtors respectfully request that the Court:

1. Deny the Trustee's motion to dismiss;
2. Overrule the Trustee's objection to confirmation;
3. Hold a hearing on this matter;
4. Grant the Debtors time to file an amended plan, to the extent necessary; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted, this the 18th day of November, 2016

s/ Erich M. Fabricius
Erich M. Fabricius, NC State Bar No. 39667
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached response, was served this day on the following parties:

John F. Logan
Chapter 13 Trustee
(electronic notice via CM/ECF)

This 18th day of November 2016

s/ Erich M. Fabricius _____